IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17816 of 2008
POPAL YADAV
Versus
THE STATE OF BIHAR
---

3. 24.6.2008 Heard.

The petitioner is an accused in a case under sections 364/302/34 of the Indian Penal Code. The informant, his brother and others were searching for their stolen buffalo. The petitioner and others were seen in possession of the buffalo and as soon as the informant disclosed this fact, the petitioner and others ran to assault them. The informant ran for his life but his brother Krishna Yadav was captured by the petitioner and his companion and was assaulted and taken away. The informant and his remaining companion came back to the village one day prior to the filing of the report and lodged the report.

WEB COPY
NOT OFFICIAL

The contention is that the delay is such as to go to the root of the prosecution story and also appears against the natural conduct of a human being. The next contention is that four witnesses have been examined in the case so far who have turned hostile and that it is not known as to when the trial could be concluded. The informant and other eye witnesses namely Dasarath are yet to be examined in the case. The case reveals the abduction of a man and his subsequent annihilation. The support comes from a number of witnesses examined during the course of examination. The trial is going on.

Considering the seriousness of the offence and the manner of execution in which the petitioner was definitely participating, I am

not inclined to grant bail to the petitioner Popal Yadav. Accordingly, the petition is dismissed.

sudip **(Dharnidhar Jha, J)**

WEB COPY NOT OFFICIAL